

REMARKS

In response to the office action dated August 12, 2009, Applicants have cancelled claims 1-43 and added new claims 44-70. In addition, Applicants have amended several paragraphs of the specification to correct typographical errors. Claims 44-70 are presented for examination.

Claims 42 and 43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McGee, U.S. Patent No. 3,065,479, and by Del Rosario, U.S. Patent No. 4,333,199. Claims 1-10, 23-25, 30, 31, 36, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weyer, U.S. Patent No. 5,072,481, in view of McMath, U.S. Patent No. 1,968,303. All of these claims have been cancelled. Thus, these rejections are now moot.

New claims 44-58 are directed to a toothbrush comprising: a handle having a head portion and **a member extending from the head portion**; a movable head connected to the head portion of the handle in a manner such that the moveable head can be pivoted with respect to the head portion of the handle from a first position to a second position when a force is applied to the movable head in a first direction; and **an elastomeric spring engaging the movable head and the member extending from the head portion** such that once the force applied to the movable head in the first direction is removed, the elastomeric spring applies a force to the movable head in a second direction, opposite the first direction, such that the movable head is moved from the second position back to the first position. New claims 59-70 are directed to a toothbrush comprising: a handle having a head portion; a movable head and **a member extending from the moveable head**, the moveable head connected to the head portion of the handle in a manner such that the moveable head can be pivoted with respect to the head portion of the handle from a first position to a second position when a force is applied to the movable head in a first direction; and **an elastomeric spring engaging the head portion of the handle and the member extending from the moveable head** such that once the force applied to the movable head in the first direction is removed, the elastomeric spring applies a force to the movable head in a second direction, opposite the first direction, such that the movable head is moved from the second position back to the first position. The references cited by the Examiner fail to disclose or render

Applicant : Florina Winter et al  
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obvious at least the features of these claims that are highlighted above. Therefore, Applicants request that these claims be allowed.

Please apply any charges or credits to deposit account 06-1050, referencing attorney docket number 02894-0758US1.

Respectfully submitted,

Date: November 17, 2009

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